

### **REMARKS**

Claims 1-10, 16-22 and 24-25 are pending. Per this Response, claims 1-6 and 16 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

#### **112 2<sup>nd</sup> Paragraph**

Claim 16-20 and 24 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph as being indefinite. Specifically, it is stated that claim 16 recites "a computer readable medium" that is not limited to the tangible embodiments as disclosed in the specification.

In response, Applicants have amended claim 16 to recite "a tangible computer readable medium" Thus, the computer readable medium is now directed to the tangible embodiments of the specification. Applicants respectfully submit that this amendment addresses the issues concerning 112, 2<sup>nd</sup> Paragraph rejection. Accordingly, withdrawal of the rejection is respectfully requested.

#### **101 Rejection**

Claims 16-20 and 24 stand rejected under 35 U.S.C. § 101. Specifically, the Examiner elects that claim 16 is not directed to statutory subject matter because it recites "a computer readable medium" and not limited to the tangible embodiments disclosed in the specification.

In response, Applicants have amended claim 16 to recite "a tangible computer readable medium" to associate the computer readable medium with the tangible embodiments of the specification. Thus, as amended, claim 16 now recites statutory subject matter. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### Prior Art Rejection

Claims 1-10, 16-22 and 24-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable under Kahn et al. (U.S. Patent Publication 2004/0004663), Asami (U.S. Patent 6,882,350) and DeLorme et al. (U.S. Patent 5,802,492). This rejection is respectfully traversed.

Each of claims 1, 6 and 16 recite generating album data ... wherein the album data is displayed in a specific layout based on a template in which said image data set, map data, third party data and spot data are arranged on the display in specific areas defined by the template, wherein a user can select and change the template from amongst a plurality of stored templates. Applicants respectfully submit that this feature in combination with the other features of independent claims 1, 6 and 16 are not taught by the combination of Kahn, Asami and DeLorme.

Kahn teaches a system in which image data acquired is transmitted to a device such as a PDA, phone or computer. Kahn uses GPS data to determine a location of each image. Kahn system performs a determination of user location and association of the information with its images. In Kahn's system, images are displayed together, however, Kahn fails to teach any other type of data being displayed together let alone in this specific format of a template chosen from amongst a plurality of templates which the user selected.

Further, Asami teaches the displaying of map data as well as thumbnail images in chronological order. However, the display does not include each of the image data, map data, third party data and spot data and is not arranged in a template which can be changed by user selection.

Further, DeLorme teaches the use of additional information associated with specific areas of a map. DeLorme does not remedy the deficiencies of Kahn and Asami.

In view of the above, Applicants respectfully submit that the combination of Kahn, Asami and DeLorme fail to teach the specific features of Applicants claims as recited above. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

### Conclusion

For at least the reasons above, it is respectfully submitted that claims 1-10, 16-22, 24 and 25 are distinguished from the cited references. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: February 23, 2009

Respectfully submitted,

By Perry Caudle # 46,607  
Chad J. Billings

Registration No.: 48,917  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant